**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.800 of 2007

**09.2.2007**

Between:

Battula Subbamma, W/o.Sri Battula Pedavenkataiah
And others

... Petitioners

AND

The District Collector, Kadapa
And others

... Respondents

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.800 of 2007

ORDER:

The petitioners, who are thirty-nine (39) in number, are residents of Madakalavaripalli village of Gopavaram Mandal in Kadapa District. They statedly eke out livelihood as stonecutters and coolies in nearby quarries. They applied to the Mandal Revenue Officer (MRO), Gopavaram Mandal, fourth respondent herein, for assignment of house sites in the land comprised in survey Nos.987, 996 and 997 of Madakalavaripalli village. The fourth respondent conducted enquiry and issued house site pattas to the extent of Acs.0.03 cents each in February 1987. The petitioners also allege that there was ACB enquiry against the then MRO and all the assignment orders and pattas were taken away by the ACB officials. The petitioners further allege that at the instance of the local political parties, the fourth respondent is taking steps to re-allot the land to others and trying to dispossess them. Therefore, they filed the present writ petition seeking a direction to the second respondent to handover all the original pattas to the beneficiaries and for a further declaration that the action of the respondents in trying to re-allot the land to third parties is illegal and arbitrary.

Learned Assistant Government Pleader for Revenue (General-A), after getting instructions, submits that though the assignment was made in favour of the petitioners, they contravened the terms of conditions of the assignment by not constructing the houses. He, however, does not dispute that the assignment made in favour of the petitioners has not been cancelled so far. Therefore, this Court observes

that unless and until the assignment made in favour of the petitioners and allotment made in their favour are cancelled, after following due process of law, the respondents are precluded from re-allotting the land to third parties. If the petitioners are in possession of the land, they shall not be dispossessed till an enquiry is conducted, as observed herein above.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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February 09, 2007.
(**V.V.S.RAO,J**)
NOTE: Dispatch order copy by 15.2.2007.
(By order)
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